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Docket No. 55293-B-PCT-US/JPW/AJM/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carlos Cordon-Cardo et al.
Serial No.: 10/009,861 Examiner: S. Ungar
Filed : December 10, 2001 Group Art Unit: 1642
For : MARKERS FOR PROSTATE CANCER

1185 Avenue of the Americas
New York, New York 10036
August 4, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE
TO JULY 8, 2004 OFFICE ACTION

This Communication is submitted in response to a July 8, 2004 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the July 8, 2004 Office Action is due August 8, 2004. Accordingly, this Communication is being timely filed.

In the July 8, 2004 Office Action, the Examiner restricted pending claims 19 and 27-30 to one of the following allegedly distinct inventions under 35 U.S.C. §121:

- I. Claims 19 and 27-29, drawn to a method of treating androgen-dependent prostate cancer comprising administering an anti-Her-2/neu antibody and a chemotherapeutic agent; and
- II. Claims 19, 27-28 and 30, drawn to a method of treating androgen-independent prostate cancer comprising administering an anti-Her-2/neu antibody and chemotherapeutic agent.